

Exhibit

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KAOPUA 03-62813-001
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process his requests; and denied his requests for advance sick leave and the voluntary leave transfer program (Investigative File [IF] pages [pp] 50-53).

Relief Requested: See IF pp 74-75.

PART I - BACKGROUND

Complainant is a Supervisory Firefighter, GS-0081-07 (Fire Captain), and assigned to Station #11, A Shift, Naval Magazine, Lualualei. On October 10, 2001, the Fire Captain on the opposite shift (B Shift) at Station #11, Robert F. Abad (Filipino, national origin and religion not known, no reported disabling condition; IF pp 124-126), Supervisory Firefighter, GS-0081-07, contacted the Security Detachment at Lualualei to lodge a "breaking and entering complaint." When the Police Officer arrived to conduct the investigation, Captain Abad accused Complainant of cutting the lock on an ice machine that he claimed was his personal property. The Police Officer informed him that the ice machine belonged to FFD and was Government property, not personal property, so it "should not have been locked in the first place." Captain Abad told the Police Officer that Complainant thought he owned the place and added, "I'll just have to shoot him." The Police Officer told Captain Abad that this was not a smart thing to say, and Captain Abad responded with, "That's what it is coming to" (IF pp 126, 206-210).

Although Captain Abad withdrew his complaint that same day, the Police Officer notified Complainant (on October 13, 2001) about Captain Abad's threat to shoot him and subsequently prepared an Incident Report (dated October 24, 2001), identifying Captain Abad as the "Suspect/Arrestee" and describing the offense as "13-C communicating a threat." Complainant's first-level supervisor, Assistant Fire Chief, Glenn DeLaura (Hawaiian/Portuguese/Filipino/English/Spanish/French, American, Christian, hearing loss; IF pp 89, 94, 99), Supervisory Firefighter, GS-0081-11, contacted Complainant on October 17, 2001, to find out what was going on between him and another Firefighter (Eric Pratt) regarding an unrelated matter. Complainant informed Chief DeLaura about Captain Abad's threat during this phone call and asked him to contact the Security Department to follow-up on the matter. He subsequently filed a formal complaint with the Security Detachment (on October 24, 2001), which resulted in the Incident Report mentioned above. Complainant also obtained a Temporary Restraining Order (TRO) on Captain Abad and notified Chief DeLaura about the TRO on or about November 4, 2001. Chief DeLaura decided to transfer both Captains; Complainant was transferred to Station #14, Wheeler Army Air Field, and Captain Abad was transferred to Station #9, Naval Magazine, West Loch; the effective date of the transfers was December 2, 2001 (IF pp 10-25, 133, 206-210, 217-218).

Complainant claims Captain Abad started harassing him in 1998 and he reported the harassment to management officials, but no corrective action was ever taken. Then came the shooting threat, and they still showed no concern and he was given no assurances about his "safety or well being." According to his doctors, Complainant's mounting fears and anxieties resulted in "attacks of rage, panic attacks, racing heartbeat, blood pressure elevation, agitation and sleep